

1 NICHOLAS A. TRUTANICH
2 United States Attorney
3 District of Nevada
4 Nevada Bar Number 13644
5 ALEXANDRA MICHAEL
6 Assistant United States Attorney
7 501 Las Vegas Boulevard South, Suite 1100
8 Las Vegas, Nevada 89101
9 (702) 388-6336
10 Alexandra.m.michael@usdoj.gov

11 *Representing the United States of America*

12 **UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

13 **-OOO-**

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 CASE NO: 2:15-cr-00212-JCM-NJK

17 vs.

18 CHARLES PARKIN,

19 STIPULATION TO CONTINUE
COMPETENCY HEARING
(*Second Request*)

20 Defendant.

21 It is hereby stipulated and agreed, by and between NICHOLAS A. TRUTANICH,
22 United States Attorney, and Alexandra Michael, Assistant United States Attorney,
23 counsel for the United States of America, and Russ Marsh, Esq., counsel for defendant,
24 that the competency hearing currently scheduled for April 2, 2019 at 10:00 a.m., be
vacated and continued until a time convenient to the Court but no sooner than ninety (90)
days.

25 This Stipulation is entered into for the following reasons:

26 1. The defendant filed a motion for a competency hearing on January 17,
27 2019, ECF No. 60, and the court set a hearing date for January 28, 2019, ECF No. 62.
28 That hearing was then continued until April 2, 2019, ECF No. The government needs
29 additional time to have the defendant evaluated by a government selected or court-
30

1 appointed expert prior to the competency hearing.

2 2. The defendant does not oppose this request.

3 3. Subsequent to this stipulation, the parties plan to file a stipulation to
4 continue calendar and trial which are currently set for May 15, 2019 and May 20, 2019.

5 4. The additional time requested herein is not sought for purposes of delay, but
6 to allow counsels sufficient time to prepare for the competency hearing.

7 5. Denial of this request for continuance could result in a miscarriage of
8 justice.

9 6. The additional time requested by this stipulation is excludable in computing
10 the time within which the trial must start under the Speedy Trial Act, Title 18, United
11 States Code, Section 3161 et. seq., considering the factors under Title 18, United States
12 Code, Sections 3161(h)(1)(A), 3161(h)(1)(D), 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

13 7. This is the second request for a continuance.

15 DATED this 29th day of March, 2019.

16
17 *s// Alexandra Michael*
18 ALEXANDRA MICHAEL
Assistant United States Attorney

19 *s// Russ Marsh*
20 RUSS MARSH, Esq
21 Counsel for Charles Parkin

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
-OOO-

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO: 2:15-cr-00212-JCM-NJK

VS.

CHARLES PARKIN,

ORDER

Defendant.

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the competency hearing, taking into account the exercise of due diligence.

IT IS THEREFORE ORDERED that the competency hearing in the above-captioned matter currently scheduled for April 2, 2019 at 10:00 a.m., be vacated and continued to July 9, 2019, at 10:00 a.m., in Courtroom 3A.

DATED: April 1, 2019

HONORABLE NANCY KOPPE
UNITED STATES MAGISTRATE JUDGE